

AGENDA
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 9, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 2, 2006. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.lancaster.ne.gov>).

- 2) **SPECIAL PRESENTATIONS:**
 - A. Presentation of the Commissioners' Award of Excellence for April, 2006 to Joyce Dorn, with the Lancaster County Corrections Department.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, May 9, 2006.

- 4) **PUBLIC HEARINGS:**
 - A. Continuation of a public hearing regarding an application for Corporate Manager for James W. Partington and a new application for a Class Y (Farm Winery) liquor license for Deer Springs Winery, L.L.C. d/b/a Deer Springs Winery, located at 16255 Adams Street, Lincoln, Lancaster County, Nebraska. (See New Business Item 6A for correlating documentation.)

 - B. Continuation of a public hearing regarding an application for Corporate Manager for Toni L. Parker and a new application for a Class D (Beer, Wine & Distilled Spirits, Off Sale Only) liquor license for Blue Collar Liquor, Inc. d/b/a Blue Collar Liquor, 13940 "O" Street, Unit 1B, Lincoln, Lancaster County, Nebraska. (See New Business Item 6B for correlating documentation.)

<p style="text-align:center">THOSE WISHING TO SPEAK ON ITEMS SPECIFIC TO TODAY'S AGENDA ARE ASKED TO DO SO WHEN THE ITEM IS CALLED BY THE COUNTY CLERK. EACH SPEAKER IS LIMITED TO FIVE (5) MINUTES.</p>

4) **PUBLIC HEARINGS CONTINUED:**

- C. Continuation of a public hearing regarding County Change of Zone No. 04053, from AG Agricultural District to AGR Agricultural Residential District, requested by Mark Hunzeker on behalf of Wapiti Enterprises, Inc., on property generally located at the southeast corner of Southwest 40th Street and Rokeby Road, Lancaster County, Nebraska. (This item was removed from pending on April 25, 2006.)
- D. County Board of Zoning Appeals, Appeal No. 06001, requested by Marcia Murray, for a variance to the lot area, width and minimum frontage on property located at 2840 West Martell Road, Lancaster County, Nebraska. (See New Business Item 6C for correlating documentation.)
- E. County Final Plat No. 05097, Four Stones Addition, requested by Craig Gana, for 14 lots and five outlots on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road, Lancaster County, Nebraska. (See New Business Items 6D and 6E for correlating documentation.)
- F. County Special Permit No. 06020, requested by Ed and Linda Stich, for authority to operate a veterinary facility on property generally located at North 84th Street and Branched Oak Road, Lancaster County, Nebraska. (See New Business Item 6F for correlating documentation.)

5) **OLD BUSINESS:**

- A. Vacation of a portion of South 162nd Street located in the Southwest Quarter of Section 26, Township 9 North, Range 8 East, of the 6th P.M., Lancaster County, Nebraska. (Removed from Pending on April 25, 2006.)

6) **NEW BUSINESS:**

- A. A resolution in the matter of an application for Corporate Manager for James W. Partington and a new application for a Class Y (Farm Winery) liquor license for Deer Springs Winery, L.L.C. d/b/a Deer Springs Winery, located at 16255 Adams Street, Lincoln, Lancaster County, Nebraska. (R-06-0046)
- B. A resolution in the matter of an application for Corporate Manager for Toni L. Parker and a new application for a Class D (Beer, Wine & Distilled Spirits, Off Sale Only) liquor license for Blue Collar Liquor, Inc. d/b/a Blue Collar Liquor, 13940 "O" Street, Unit 1B, Lincoln, Lancaster County, Nebraska. (R-06-0047)

6) **NEW BUSINESS CONTINUED:**

- C. A resolution in the matter of County Board of Zoning Appeals, Appeal No. 06001, requesting a variance of Section 4.017(a) of the Lancaster County Zoning Resolution for property generally located northeast of Southwest 29th Street and West Martell Road, addressed as 2840 West Martell Road, Lancaster County, Nebraska. (R-06-0044)
- D. A resolution in the matter of County Final Plat No. 05097, Four Stones Addition, requested by Craig Gana, for 14 lots and five outlots on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road, Lancaster County, Nebraska. (R-06-0043)
- E. A subdivision agreement with Al and Linda Riskowski and Paul and Sharon Gana, County Final Plat No. 05097, Four Stones Addition, on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road, Lancaster County, Nebraska. (C-06-0164)
- F. A resolution in the matter of County Special Permit No. 06020, requested by Ed and Linda Stich, for authority to operate a veterinary facility on property generally located at North 84th Street and Branched Oak Road, Lancaster County, Nebraska. (R-06-0042)
- G. A resolution instituting eminent domain proceedings against Leone Spencer Harlan, Trustee, Project C55-W-403(2), Tract No. 7 (one-half mile of West Panama Road adjacent to the intersection of Southwest 2nd Street). (R-06-0045)
- H. An application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a wedding reception on Saturday, May 27, 2006 from 3 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.
- I. Applications for two Special Designated Licenses from MGC, Inc. d/b/a Crooked Creek Golf to provide liquor beverage service in connection with golf tournaments to be held on Sunday, June 11, 2006 from 6 a.m. to 1 a.m. and on Sunday, July 2, 2006 from 6 a.m. to 1 a.m. at Crooked Creek Golf, located at 333 South 134th Street, Lincoln, Lancaster County, Nebraska.

6) **NEW BUSINESS CONTINUED:**

- J. An application for a Special Designated License from K-SARA Enterprises, Inc. d/b/a Kevin Meier Imports to provide liquor beverage service for the Southeast High School Reunion, Class of 1976 on Friday, May 26, 2006 from 4 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.
- K. A survey agreement with the Commission on Accreditation of Rehabilitation Facilities (CARF) International for conducting an accreditation survey of the Lancaster County Community Mental Health Center and rendering an accreditation outcome. The agreement includes a business associate addendum which covers the responsibilities of the parties as it relates to the Health Insurance Portability and Accountability Act (HIPAA) of 1996. (C-06-0166)
- L. Agreements with the following facilities to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and the facilities will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contains a 30-day termination provision.

Prairie Surgical (C-06-0168)	Surgical Associates (C-06-0174)
People's Health Center (C-06-0169)	Urology Surgical Center (C-06-0175)
Northrup Internal Medicine (C-06-0170)	Urology, P.C. (C-06-0176)
Neurological & Spinal Surgery (C-06-0171)	Sutton Skin & Eye Clinic d/b/a Sutton
Nebraska Hematology Oncology P.C. (C-06-0172)	Ryan Dermatology (C-06-0177)
Nebraska Heart Institute (C-06-0173)	Eye Surgical Associates (C-06-0178)

- M. A contract with Constructors, Inc., in the amount of \$483,769.50, for the construction of Jamaica North Trail, STPB-55. Work will begin upon execution of the contract and will be completed on or before November 30, 2006. (C-06-0181)
- N. Contracts with the following vendors for annual weed control services for the Lancaster County Noxious Weed Control Authority and the City of Lincoln Weed Abatement Program at rates as specified in Specification No. 06-0117, previously awarded on April 25, 2006:
- ▶ Lee's Lawn Maintenance (C-06-0182)
 - ▶ DeAngelo Brothers, Inc. (C-06-0183)
 - ▶ Big Red Lawn Care (C-06-0184)
 - ▶ Pro Mow, Inc. (C-06-0185)

6) **NEW BUSINESS CONTINUED:**

- O. Addendum No. 2 with LinPepCo Snacks for snack food vending services at the Lancaster County Corrections Department and the Youth Services Center. The addendum extends the original agreement under County Contract No. C-03-0358 for an additional three year term, beginning August 1, 2006 through July 31, 2009. (C-06-0165)
- P. Change Order/Supplemental Agreement No. 1, in the amount of \$8,446.55, with Brandt Excavating, Inc. for erosion control west of South 148th Street and Olive Creek Road; Project 06-25. (C-06-0167)
- Q. Addendum No. 1 with Diversified Telecom Services, Inc. (DTSI), under County Contract No. C-06-0026, for the construction of a communications tower and prefabricated building for the Emergency Management Department. The addendum grants DTSI a 30 day time extension to complete the construction work. The work will be completed by June 1, 2006. (C-06-0186)
- R. Request from Roger Foster for a refund of personal property taxes for 2005, in the approximate amount of \$29.38.

7) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

- A. Receive and Place on File:
 - 1. Assessor/Register of Deed's Monthly Report for April, 2006.
 - 2. Clerk of the District Court's Monthly Report for April, 2006.
 - 3. County Clerk's Monthly Report for April, 2006.
- B. Setting of public hearings for Tuesday, May 23, 2006 at 1:30 p.m. in the Commissioners Hearing Room, Room 113, on the first floor of the County-City Building regarding the following:
 - 1. County Special Permit No. 06023, requested by American Family Association, Inc. for authority to construct a 498 foot radio broadcast tower capable of accommodating at least three carriers, on property generally located southeast of the intersection of South 54th Street and Pella Road, Lancaster County, Nebraska.
 - 2. County Special Permit No. 06024, requested by Kurtis and Judy Polivka, for authority to locate and live in a mobile home as a temporary residence while building a permanent residence on property generally located at North 176th Street and Branched Oak Road, Lancaster County, Nebraska.

7) **CONSENT ITEMS CONTINUED:**

C. Request from the following individuals to voluntarily participate in the Lancaster County retirement plan having met the requirements:

- ▶ Elizabeth Elliott, an employee with the Lancaster County Public Defender's Office
- ▶ Eileen S. Adams, an employee with Lancaster Manor
- ▶ Travis C. Roth, an employee with the Lancaster County Sheriff's Office
- ▶ Samantha Ann Taylor, an employee with the Lancaster County Sheriff's Office

D. Right-of-way contracts relating to culvert replacements between the Lancaster County Engineering Department and the following individuals:

- ▶ Donald Tiedeman at South 25th Street and Princeton Road; Project CP-X-10. This is a donation. (C-06-0179)
- ▶ Marida Schlake, in the amount of \$282, at North 14th Street and West McKelvie Road; Project CP-W-79. (C-06-0180)

8) **PENDING:** *Items currently on pending may be removed at the discretion of the Board and scheduled for action on a regular Board of Commissioners agenda following a two week notification period.*

A. County Change of Zone 04074, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska. (Remove from pending on October 18, 2006.)

B. County Special Permit 04058, Lakewood Hills Community Unit Plan, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage units, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska. (Remove from pending on October 18, 2006.)

C. County Preliminary Plat 04028, Lakewood Hills, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage lots, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska. (Remove from pending on October 18, 2006.)

D. County Final Plat 04126, Lakewood Hills, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage lots, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska. (Remove from pending on October 18, 2006.)

9) **EMERGENCY ITEMS AND OTHER BUSINESS:**

10) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, May 11, 2006 beginning at 8:30 a.m. in Room 113 located on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska.
- B. A public hearing will be held on Tuesday, May 16, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager for Holly Christine Horsham and a new application for a Class I (Spirits, Wine, Beer, On Sale Only) liquor license from Ely's Service, Inc. d/b/a Marina Bay Grill (formerly Castaways Bar & Grill on Branched Oak) located at 10005 West Davey Road, Raymond, Lancaster County, Nebraska.
- C. The Lancaster County Board of Commissioners meeting which is broadcast live at 1:30 p.m. on Tuesdays will be rebroadcast tonight at 6:30 p.m. and again on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on the Internet 24 hours a day at <http://www.lancaster.ne.gov>. Click on 5 City-TV Video On Demand.

11) **ADJOURNMENT:**

This agenda, which is kept continually current, is available for inspection in the office of the County Clerk in Lancaster County, Nebraska.

NOTE: Interpreters for the hearing impaired are available at the meetings of the County Board upon request. Please contact the County Clerk's Office at 441-7481 at least 48 hours prior to the meeting if this accommodation is required, or if you have any other special communication needs requiring assistance. Telex Sound Masters are also available for audio enhancement during the meeting.

IF YOU ARE HERE TO PARTICIPATE ON AN ITEM AND NEED SPECIAL CONSIDERATION BECAUSE OF A SCHEDULE CONFLICT OR SOME OTHER PROBLEM, PLEASE LET THE CLERK KNOW PRIOR TO THE MEETING SO WE MAY ACCOMMODATE YOUR NEEDS.

The Board of Commissioners agenda and minutes may be accessed on the Internet at <http://www.lancaster.ne.gov> on the County Clerk's website.

AGENDA
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 9, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 2, 2006. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.lancaster.ne.gov>).

THOSE WISHING TO SPEAK ON ITEMS SPECIFIC TO TODAY'S AGENDA ARE ASKED TO DO SO WHEN THE ITEM IS CALLED BY THE COUNTY CLERK. EACH SPEAKER IS LIMITED TO FIVE (5) MINUTES.

- 2) **MOTOR VEHICLE TAX EXEMPTIONS:**

Nebraska Wesleyan University

- 3) **ADJOURNMENT:**

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